

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:10CR3017
)	
V.)	
)	
TORRENCE J. TERRY,)	MEMORANDUM
)	AND ORDER
Defendant.)	
)	

Today I conferred with counsel in chambers. The defendant has filed a variance motion suggesting that I should vary downward because of the defendant's minimal criminal history (see filing [67](#)). The plea agreement and the plea colloquy could be construed to prohibit such a motion. Indeed the government so argues. However, after consideration of the matter, I conclude that the plea agreement does allow the defendant to file a motion for variance, limited, however, to the argument that the defendant's criminal history warrants a non-Guideline sentence.

IT IS SO ORDERED.

DATED this 24th day of February, 2011.

BY THE COURT:

Richard G. Kopf
United States District Judge